

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

EVANSTON INSURANCE)	
COMPANY)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cv-314-WKW-DAB
)	
ELAINE REEVES)	
CONSTRUCTION, INC. et al.)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This matter comes before the Court on the motion (Doc. No. 31) of Plaintiff to dismiss the case without prejudice on grounds of mootness, due to resolution of the underlying tort action. The Court issued an Order to Show Cause (Doc. No. 32) why the motion ought not be granted. The Greenwell Defendants filed a Response (Doc. No. 33) indicating no objection, and the Reeves Defendants have failed to respond, which the Court deems a lack of opposition. It appears from these filings that the dispute between the parties is no longer an active controversy, and the case is subject to dismissal.

VII. CONCLUSION AND RECOMMENDATION

Accordingly, for the reasons as stated, it is the **RECOMMENDATION** of the Magistrate Judge that the Motion to Dismiss be **GRANTED**, that the case be

dismissed without prejudice (all parties to bear their own costs) and that the Clerk be directed to close the docket.

It is **ORDERED** that the parties shall file any objections to the said Recommendation on or before **December 4, 2017**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982).

RESPECTFULLY RECOMMENDED, this 20th day of November, 2017.



David A. Baker
David A. Baker
United States Magistrate Judge